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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,880	08/28/2003	Gregor Haab	116861	7814
25944	7590	08/19/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ESTREMSKY, GARY WAYNE	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,880

Applicant(s)

HAAB ET AL.

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Opening Remarks

1. For future reference, a request for interview should be made as early as possible with respect to the *Period for Response*, and precede filing of a formal amendment although it is generally helpful to have a *proposed* amendment ready for purpose of discussion.

After consideration of the formal amendment filed June 10, 2004, telephone calls were placed to Michael Britton to discuss the Application but did not result in contact until the following week. Since the claims require at least correction of grammar/usage (as detailed below) and careful consideration of such changes on the part of Applicant and Examiner, it is the Examiner's belief that the policy of *compact prosecution* is best served via formal Office Action on the pending claims.

Claim Objections

2. Claims 1-3 and 14 are objected to because of the following informalities:

Claim 1; line 1 – “to lock” should be replaced with –for locking--.

Claim 1; line 1 - --a—should be inserted before “first”.

Claim 3; line 2 – “an” should be replaced with –the--.

Claim 14 – should be amended to corrected sentence structure.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As regards claim 1, it is not clear from lines 1-3 if *both* first and second elements are capable of being laterally movable and rotatable.

As regards claim 1, it is not clear from lines 3-4 if the base profile is on the first, or first and second door element(s).

As regards claim 1, it is not clear what structure is defined by limitation of "wherein the head-piece projects along the longitudinal axis of the base profile of the second door element or a closing device provided therein". 'As best understood', only a single embodiment is illustrated wherein the "lever with a head-piece and a locking element is retained rotatable" in the lower channel of the base profile of the first and second door element(s) as previously recited in claim 1.

Further regarding claim 2, 'as best understood' the structure that has been disclosed as being required for the recited function is not included in the claim whereby, the scope and meaning of the claim is not clear.

Further regarding claim 14, limitations are directly contrary to positive recitations of structural arrangement of claim 1 whereby it is not clear which arrangement is being claimed. For example, claim 1 implicitly requires base

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profile on first and second door element(s) and locking element with position in which it engages a receptacle fixed on the floor.

Allowable Subject Matter

5. Claims 1-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art does not teach or make obvious all limitations including laterally movable or laterally movable and rotatable door elements, H-shape cross-section, screw, rotatable locking element, and receptacle fixed to the floor as arranged in the claimed invention.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Previous objections to the drawings are withdrawn in light of amendment to the claims since the drawings provide sufficient illustration of a doors to be consistent with scope of claim.

Conclusion

7. Since previous Office Action did not consider claims added by Pre-Amendment, this Office Action is not made Final.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky
Primary Examiner
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